

REMARKS

Pursuant to the final Office Action mailed June 19, 2008, Claims 1-46 have been rejected. After entry of the present amendment, Claims 1-46 remain pending in this application. The present amendment amends independent claims 1, 11, 19, 29, and 44-46 to clarify that the processor is located at the merchant site. Reconsideration and examination of the amended application and is respectfully requested.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-46 were rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 7,051,002 to Keresman, III, et al. (hereafter, "*Keresman*") in view of U.S. Patent Application No. 20050010488 to Itakura, et al, (hereafter, "*Itakura*").

The Final Office Action mailed June 19, 2008 states: "In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., processor located at a merchant site that determines a format of a credit card) are not recited in the rejected claim(s)." Attorney for the Assignee disagrees that such features were not recited in the previously rejected claims. However, in an effort to further clarify that the processors of the claimed inventions of claims 1, 11, 19, 29, and 44-46 are located at the merchant site, claims 1, 11, 19, 29, and 44-46 have been amended. For example: Claim 1: "determining, by the processor located at the merchant site, the format type of the request from among a plurality of predetermined second format types; identifying, by the processor located at the merchant site, a host computer configured to process the determined format type from among a plurality of host computers, each host computer being configured to process at least one of the predetermined second format types"; Claim 11: determining, by the processor located at the merchant site, the format type of each respective data packet from among a plurality of predetermined second format types"; Claim 19: "determine, via the processor located at the merchant site, the format type of the request from among a plurality of predetermined second format types"; Claim 29: "determine, via the processor located at the merchant site, a format type of each respective data packet from among a plurality of predetermined second format types"; Claim 44: determining, by the processor located at the

merchant site, the format type of each request; identifying, by the processor located at the merchant site, a host computer configured to process each determined format type; Claim 45: “determine, via the processor located at the merchant site, the format type of each request”; and Claim 46: “determining, by the processor located at the merchant site, the format type of each request.”

These elements are not explicitly taught or suggested by the references cited by the Office Action, either alone or in combination with each other. These amendments are fully supported by the Applicants’ specification in at least the Abstract; paragraphs [0009], [0019], and Figure 2. For example, paragraph [0009] recites in part: “The transaction software engine, in accordance with an embodiment of the invention, resides at a merchant's site and more specifically within the merchant's server or computer which is in communication with one or more network terminals.”

Keresman fails to explicitly disclose a processor located at a merchant site. Instead *Keresman* relates to a centralized merchant processing system for authenticating payments (See Col. 4, lines 46-48, and lines 56-60). Furthermore, the MAPS system of *Keresman* and “[t]he connectivity layer 210 provides a generic layer for **external entities such as merchants** to connect to and process a specific payment authentication transaction.” (emphasis added, See Col. 7, lines 40-42). Furthermore, “[t]he merchant server 100 includes a checkout processing function 102, a payment processing function 104, and a thin-client 106 operative to provide interworking between the server 100 and the MAPS 200.” (See Col. 5, lines 55-58). “The thin-client is not aware of the specific processing logic or protocols prescribed for each payment authentication initiative.” (See Col 6, lines 24-29). “Suitably, the thin client 106 is a small software component installed on the merchant’s server 100, e.g., approximately 50 kilobytes in size.” *Id.* “The thin client does not hold any payment authentication specific business process logic.” (See Col. 6, lines 50-54).

With regard to Claims 1 and 19, *Keresman* fails to explicitly teach determining the format type of the request from among a plurality of predetermined second format types; and identify a host computer configured to process the determined format type. Similarly, with regard to Claims 11 and 29, *Keresman* fails to explicitly teach determining, by the processor located at a merchant site, the format type of each respective data packet from among a plurality of predetermined second format types; and identifying a host computer configured to process the

determined format type. Furthermore with regard to Claims 44-46, *Keresman* fails to explicitly teach determining, by the processor located at a merchant site, the format type of each request; identifying, by the processor located at a merchant site, a host computer configured to process each determined format type; and identify a host computer configured to process each determined format type.

The Office Action cites *Itakura* in asserting that “it would have been obvious to one of ordinary skill in the art to enable a plurality of predetermined second format and a plurality of host computers to process at least one of the predetermined second format type in order to transmit the credit card information in a secure manner by a private network.” However, *Itakura* relates to a display system, which displays information obtained from a communications network such as the World Wide Web, and *Itakura* does not appear to teach or suggest determining, by the processor located at a merchant site, the format type of each respective data packet from among a plurality of predetermined second format types. See paragraphs [0025]-[0026], [0031]-[0034], [0068], [0103]-[0104], [0111], and [0118]-[0123]; Figures 1, 13-14, 18, and 21. For example, *Itakura* describes “a connection manager for managing the communication which is conducted through the gateway, and a message manager connected to a payment system for paying through a private line”. See paragraph 0031. In addition, “the message manager receives information indicative of payment completion from the payment system. The gateway notifies the host computer of the payment completion through World Wide Web.” See paragraph [0032]. “When the advertisement of goods is displayed on the message viewer window 62, the user can order goods only by watching the message viewer. For example, if the material, which is sent to the user after selecting the information request button 66, contains advertisement of the goods, the user can directly order the goods on the message viewer.” See paragraph [0104]. Furthermore, cited paragraphs [0118]-[0123] relate to a message distribution system, which is not believed to be related to plurality of predetermined format types, or identifying a host computer configured to process the determined format type.

In summary, neither *Keresman* nor *Itakura* teaches or suggests each and every element of the Applicants’ claimed inventions, e.g., determining the format type of each respective data packet or request from among a plurality of predetermined format types; and identifying a host computer configured to process the determined format type. For at least the reasons provided


above, amended independent claims 1, 11, 19, 29, and 44-46 should be allowable over the cited references.

Claims 2-10, 12-18, 20-28, and 30-43 are ultimately dependent from either independent claims 1, 11, 19, or 29 for which arguments of patentability have been provided above. If the base independent claims are allowable over the cited references, the corresponding dependent claims should also be in condition for allowance.

CONCLUSION

It is not believed that extensions of time or fees for addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 19-5029. If the Examiner believes a telephone conversation would facilitate the examination of this application, Applicants invite the Examiner to call the below-named Attorney at any time.

Respectfully submitted,



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